

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 27566

PERMIT 19829

LICENSE \_\_\_\_\_

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE**

**WHEREAS:**

1. Permit 19829 was issued to De Anza Placer Mining Company on April 16, 1986, pursuant to Application 27566.
2. A petition for an extension of time has been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE  
COMPLETED ON OR BEFORE

December 31, 1996

(0000008)

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 31, 1998

(0000009)

Dated:

**MARCH 9 1994**

*Edward C. Anton*  
601 Edward C. Anton, Chief  
Division of Water Rights

## STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 19829Application 27566 of De Anza Placer Mining Company1615 Cordova Street, Los Angeles, California 90007filed on October 28, 1982, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

## 1. Source:

Tributary to:

North Fork Forbes CreekForbes Creek thenceNorth Shirttail Canyon thenceShirttail Canyon thenceNorth Fork American River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
<u>North 62°50'39" East 4095 feet from SW corner of Section 17</u>	<u>NE<math>\frac{1}{4}</math> of SE<math>\frac{1}{4}</math></u>	<u>17</u>	<u>15N</u>	<u>11E</u>	<u>MD</u>

County of Placer

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
<u>Recreation</u>	<u>At Big Reservoir in W<math>\frac{1}{2}</math> of SW<math>\frac{1}{4}</math></u>	<u>16</u>	<u>15N</u>	<u>11E</u>	<u>MD</u>	
	<u>E<math>\frac{1}{2}</math> of SE<math>\frac{1}{4}</math></u>	<u>17</u>	<u>15N</u>	<u>11E</u>	<u>MD</u>	
<u>Mining</u>	<u>Big Dipper Mine in NW<math>\frac{1}{4}</math> of SW<math>\frac{1}{4}</math></u>	<u>3</u>	<u>14N</u>	<u>10E</u>	<u>MD</u>	

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 215.2 acre-feet per annum to be collected from April 15 of each year to May 1 of each year. (0000005)
6. This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (0000005)
7. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
8. Complete application of the water to the authorized use shall be made by December 1, 1990. (0000009)
9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)
10. Permittee shall allow representatives of the State Water Resources Control Board and the United States Bureau of Reclamation reasonable access to project works to determine compliance with the terms of this permit. (0000011)
11. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.
- The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)
12. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

13. During the season specified in this permit, the total quantity and rate of water diverted and used under this permit and under permittee's claimed existing right for the place of use specified in the permit shall not exceed the quantity and rate of diversion and use, respectively, specified in this permit. If the permittee's claimed existing right is quantified at some later date as a result of an adjudication or other legally binding proceeding, the quantity and rate of diversion and use allowed under this permit shall be the net of the face value of the permit less the amounts of water available under the existing right.

Permittee shall forfeit all rights under this permit if permittee transfers all or any part of the claimed existing right for the place of use covered by this permit to another place of use without the prior approval of the Board.

Permittee shall take and use water under the existing right claimed by permittee only in accordance with law.

(0000021)

14. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion.

(0000022)

15. Storage of water shall not be commenced until the Department of Water Resources has approved plans and specifications for the enlargement of the storage dam.

(0130049)

16. In accordance with the requirements of Water Code Section 1393, permittee shall clear the area covered by the proposed reservoir enlargement of all structures, trees and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes.

(0120050)

17. The State Water Resources Control Board reserves jurisdiction over this permit to change the season of diversion to conform to later findings of a comprehensive analysis of the availability of unappropriated water in the Sacramento River Basin. Any action to change the season of diversion will be taken only after notice to interested parties and opportunity for hearing.

(0000080)

18. This permit is subject to prior rights. Permittee is put on notice that during some years water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the Sacramento River Basin are such that in any year of water scarcity the season of diversion authorized herein may be reduced or completely eliminated on order of this Board made after notice to interested parties and opportunity for hearing.

(0000090)

19. No diversion is authorized by this permit when satisfaction of inbasin entitlements requires release of supplemental Project water by the Central Valley Project or the State Water Project.

A. Inbasin entitlements are defined as all rights to divert water from streams tributary to the Sacramento-San Joaquin Delta or the Delta for use within the respective basins of origin or the Legal Delta, unavoidable natural requirements for riparian habitat and conveyance losses, and flows required by the State Water Resources Control Board for maintenance of water quality and fish and wildlife. Export diversions and Project carriage water are specifically excluded from the definition of inbasin entitlements.

B. Supplemental Project water is defined as water imported to the basin by the projects, and water released from Project storage, which is in excess of export diversions, Project carriage water, and Project inbasin deliveries.

The State Water Resources Control Board shall notify the permittee of curtailment of diversion under this term after it finds that supplemental Project water has been released or will be released. The Board will advise the permittee of the probability of imminent curtailment of diversion as far in advance as practicable based on anticipated requirements for supplemental Project water provided by the Project operators.

(0000091)

20. Water diverted under this permit is for nonconsumptive use and is to be released to Cub Canyon thence New York Canyon thence Shirttail Canyon within NW¼ of SW¼ of Section 3, T14N, R10E, MDB&M.

(0000111)

21. Permittee shall release water collected under this permit to Sugar Pine Reservoir and an additional 10 percent of the amount collected to compensate for stream channel losses between Big Reservoir and Sugar Pine Reservoir at the maximum rate reasonable between September 15 and October 15 of each year. Nothing in this term shall preclude permittee from retaining water collected when Sugar Pine Dam is spilling.

(0160400)

22. Permittee shall install and maintain a staff gage meeting the approval of the United States Bureau of Reclamation for the purpose of determining water levels in Big Reservoir. Permittee shall supply staff gage readings taken on April 15 and May 1 of each year, and a record of the volume of water collected under this permit and released to Sugar Pine Reservoir, verified by the United States Bureau of Reclamation or their designated representative, to the State Water Resources Control Board before December 1 of each year.

(0070999)

(0100999)

23. Permittee shall maintain an outlet pipe of adequate capacity in order to release water collected under this Permit downstream to Sugar Pine Reservoir between September 15 and October 15 of each year.

(0050400)

24. Permittee will not store water under this permit if that storage would diminish the amount of water that would reach Placer County Water Agency diversion under Placer County Water Agency permits.

(0350400)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: APRIL 16 1986

STATE WATER RESOURCES CONTROL BOARD

*Lloyd Johnson*  
Chief, Division of Water Rights